

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WALTON LOPEZ,

Plaintiff,

21-CV-8666 (KMK) (AEK)

-against-

ORDER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

On January 3, 2022, the Court directed Plaintiff to file proof of service so that the Court would understand when the 90-day period for the Commissioner of Social Security (the “Commissioner”) to file the certified administrative record (“e-CAR”) had begun. ECF No. 7. The next day, Plaintiff filed an affidavit of service demonstrating that the Commissioner had been served in Washington, D.C. on November 22, 2021; the Office of the Regional Chief Counsel of the Social Security Administration (“SSA”) in New York City had been served on November 18, 2021; and the SSA office in Kansas City, Missouri had been served on November 19, 2021. ECF No. 8 at 1-2. Plaintiff also produced a Certified Mail receipt for service mailed to the U.S. Attorney’s Office for the Southern District of New York, but noted that according to the receipt, it was never delivered. *Id.* at 1. A recent check of the tracking number for that package on the USPS.com website indicates that the package still has not been delivered. Part of the tracking history for the package indicates that there was an “insufficient address.”

To date, the Commissioner has not filed a notice of appearance in this action, almost five months after Plaintiff attempted to mail the summons and complaint to the U.S. Attorney’s Office. **Accordingly, by March 8, 2022, the Plaintiff is directed to re-serve the summons**

and complaint on the U.S. Attorney's Office at 86 Chambers Street, New York, NY 10007, either in person or by Certified Mail, and to file proof of such service on the docket. If Plaintiff decides to send the summons and complaint by Certified Mail, the package should be addressed to the Commissioner of Social Security, c/o U.S. Attorney's Office for the Southern District of New York, at 86 Chambers Street to avoid the problem with the "insufficient address."

No later than 14 days after the summons and complaint are received by the U.S. Attorney's Office, the Commissioner must file a notice of appearance. Also by that date, the parties must meet and confer regarding the date by which the Commissioner proposes to file the e-CAR, and inform the Court by joint letter of the proposed deadline.

Dated: March 1, 2022
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge